

IN RE: PETITION FOR ZONING VARIANCE
N/S Pheasant Cross Drive,
335' E of Verbena Road
(7122 Pheasant Cross Drive)
3rd Election District
2nd Councilmanic District
Charles I. Weiner, et ux
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 89-75-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a side yard setback of 12 feet in lieu of the required 15 feet for a proposed second-story addition as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Mrs. Charles Weiner, appeared and testified. There were no Protestants.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6th day of October, 1988 that the Petition for Zoning Variance to permit a side yard setback of 12 feet in lieu of the re-

quired 15 feet for a proposed second story addition in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

JRH:bjs

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

October 6, 1988

Dr. & Mrs. Charles I. Weiner
7122 Pheasant Cross Drive
Baltimore, Maryland 21209

RE: PETITION FOR ZONING VARIANCE
N/S Pheasant Cross Drive, 335' E of Verbena Road
(7122 Pheasant Cross Drive)
3rd Election District - 2nd Councilmanic District
Charles I. Weiner, et ux - Petitioners
Case No. 89-75-A

Dear Dr. & Mrs. Weiner:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

file



Dennis F. Rasmussen
County Executive

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1.02.3.B.1(2)(5.3) To permit a side yard setback of 12 feet in lieu of the required 15 feet. (Addition is to second story only.)

at the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. Bedroom addition must be on this side of house. Addition can not go back farther because of swimming pool and concrete decking.
2. Round addition rather than square does not obstruct view or light from adjacent bedroom window.
3. Supporting columns with this configuration may not necessitate excavation of existing concrete.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury, that I/We are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

CHARLES I. WEINER, M.D.

(Type or Print Name)

Signature

Address

City and State

Signature

7122 Pheasant Cross Dr. 658-2122

Baltimore, MD. 21209

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 6th day

of October, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 28th day of September, 1988, at 2:00 o'clock

P. M.

J. Robert Haines

Zoning Commissioner of Baltimore County.

ESTIMATED LENGTH OF HEARING (1/2HR.) +1HR. (over)
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
OTHER
REVIEWED BY: CR DATE 10/1/88

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

July 28, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-75-A
N/S Pheasant Cross Drive, 335' E Verbena Road
(7122 Pheasant Cross Drive)
3rd Election District - 2nd Councilmanic
Petitioner(s): Charles I. Weiner, et ux
HEARING SCHEDULED: WEDNESDAY, SEPTEMBER 28, 1988 at 2:00 p.m.

Variance to permit a side yard setback of 12 feet in lieu of the required 15 feet. (Addition is to second story only)

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Charles I. Weiner, et ux
file



Dennis F. Rasmussen
County Executive

"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD. September 2, 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept. 1, 1988.

OWINGS MILLS TIMES,

PO#04073

REQ#M18899

\$ 35.63

S. Zebe Orleans
Publisher

CERTIFICATE OF PUBLICATION

TOWSON, MD. September 6, 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept. 1, 1988.

PO#04074

REQ#M18898

\$35.63

S. Zebe Orleans
Publisher

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Dr. & Mrs. Charles I. Weiner
7122 Pheasant Cross Drive
Baltimore, Maryland 21209

Re: Petition for Zoning Variance
CASE NUMBER: 89-75-A
N/S Pheasant Cross Drive, 335' E Verbena Road
(7122 Pheasant Cross Drive)
3rd Election District - 2nd Councilmanic
Petitioner(s): Charles I. Weiner, et ux
HEARING SCHEDULED: WEDNESDAY, SEPTEMBER 28, 1988 at 2:00 p.m.

Dear Dr. & Mrs. Weiner:

Please be advised that 76.26 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204, fifteen (15) minutes before

BALTIMORE COUNTY, MARYLAND		No. 059158	
OFFICE OF FINANCE - REVENUE DIVISION			
MISCELLANEOUS CASH RECEIPT			
DATE <u>7/26/88</u>	ACCOUNT <u>B-01-615-000</u>		
AMOUNT <u>\$ 86.26</u>			
RECEIVED <u>C.T. Weiner</u>			
FOR <u>Posting & Advertising (89-75-A)</u>			
B 103*****862618 6226F			
VALIDATION OR SIGNATURE OF CASHIER			

post set(s), there each set not

her of



Dennis F. Rasmussen
County Executive

ORDER RECEIVED FOR FILING
Data 10/6/88
by *J. Robert Haines*

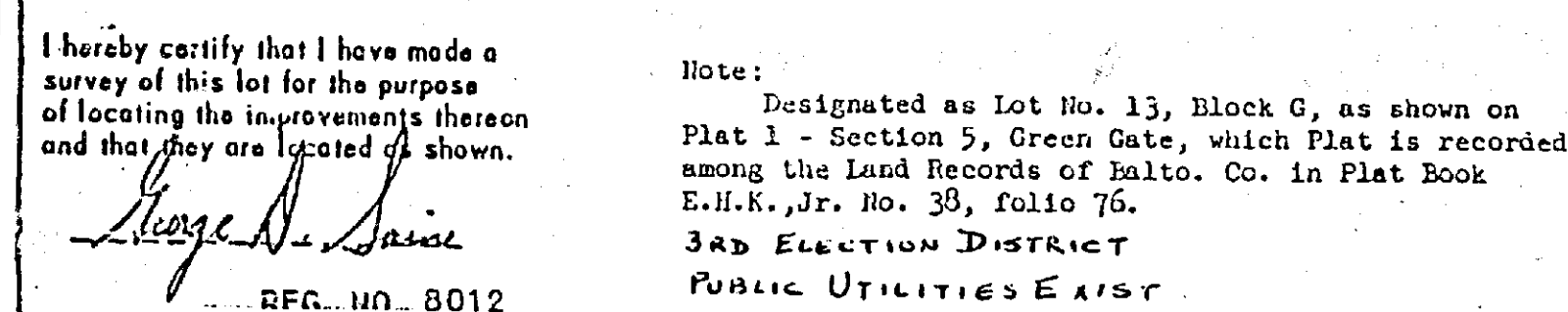
PLAT FOR ZONING VARIANCE
OWNER: CHARLES I. WEINER
SCALE - 1" = 30'
SUBDIVISION - GREENGATE

ZONING DESCRIPTION

On the west side of Pheasant Cross Drive, (24 feet wide), 335.14 feet north of Verbena Drive. Being Lot #13, Block C, as shown on Plat 1-Section 5, Green Gate recorded among the land records of Baltimore County in Plat Book EHK, Jr., Vol. 38, folio 76. Also known as 7.22 Pheasant Cross Drive.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 3rd Date of Posting Sept. 18, 1988
Posted for: Variance
Petitioner: Charles I. Weiner, et ux
Location of property: N/S Pheasant Cross Drive, 335' E of Verbena Road (7122 Pheasant Cross Drive)
Location of Sign: On front of 7122 Pheasant Cross Drive
Remarks:
Posted by: R. J. Haines Date of return: 9-16-88
Number of Signs: 1



#464

Nancy Gordon
Louis Gordon

September 20, 1988

RE: Item No. 464 - Case No. 89-75-A
Petitioner: Charles Weiner, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Weiner:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are aware of the comments and the issues involved in the plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commission with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your part of the petition. If you have any questions or comments to be received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition is accepted for consideration and a hearing is enclosed for your reference. A hearing is scheduled accordingly.

Very truly yours

James E. Dyer / dt
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

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INTER-OFFICE CORRESPONDENCE

Weiner Property - No. 464 Zoning Petition 89-75-A

The Office of Planning and Zoning has no comment regarding this request

July 25, 198

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 2120

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number

458, 459, 460, 462, 464, 465, 467, 468, 470, and 471

Very truly yours

Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEW/RF/CPS

RECEIVED
JUL 28 1988
ZONING OFFICE

cc: Mr. & Mrs. Charles I. Skinner
9-8-88